

Dec 12, 2022

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

DANIEL B.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:22-cv-00207-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF No. 12

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 2, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney John Metsker represents Plaintiff. Attorney Michelle Pavelek represents Defendant.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 12**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the
4 Commissioner of Social Security for further administrative proceeding pursuant to
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following:

7 On remand, the Appeals Council will instruct the ALJ to:

- 8 • Offer Plaintiff the opportunity for a new hearing and further develop
9 the record; and
- 10 • Issue a new decision.

11 *See* ECF No. 12 at 2.

12 3. Judgment shall be entered for **PLAINTIFF**.

13 4. Upon proper presentation, this Court will consider Plaintiff's application
14 for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

15 The District Court Executive is directed to enter this Order, **enter**
16 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

17 DATED December 12, 2022.

18 s/Mary K. Dimke
19 MARY K. DIMKE
20 UNITED STATES DISTRICT JUDGE